

REMARKS

In response to the Office Action mailed April 21, 2004, Applicants respectfully request reconsideration. The claims as presented are believed to be in condition for allowance.

Claims 1-38 were previously pending in this application. Claims 1, 8, 12-15, 24 and 30 have been amended. As a result, claims 1-38 remain pending for examination, with claims 1, 8, 12 and 30 being independent. No new matter has been added.

As a preliminary matter, Applicant notes that Examiner Jacobs is also assigned to commonly assigned, co-pending application having serial number 09/545,396, entitled "Context Administrator." In a response filed on even date herewith, amendments similar to those made herein have been made to the independent claims in the '396 application.

Rejections under 35 U.S.C. §103(a)

Claims 1-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,664,109 to Johnson et al. ("Johnson") in view of U.S. Patent No. 6,345,294 to O'Toole et al. ("O'Toole"). Applicant respectfully traverses this rejection.

The independent claims have been amended to recite the context manager as being defined in accordance with a CCOW standard, and to recite the context manager as providing information to managed applications relating to a user, a patient and an encounter. Support for these amendments can be found, for example, at p.2, lines 8-17; p.4, lines 7-15; and p. 5, lines 29-32 of the specification.

A. Claim 1

Amended claim 1 recites a context management system comprising a server appliance. The server appliance comprises a computer system having a power supply input and a network input/output (I/O) port for coupling the server appliance to a network; at least one memory in which is stored a set of instructions defining a context management server which delivers context management information to client applications, and a set of instructions defining a software interface for administering the context management server over the network using a general-purpose client interface, wherein the context management server is defined in accordance with a

Clinical Context Object Workgroup (CCOW) standard, and wherein the context management information relates to a patient, a user and an encounter.

Johnson fails to disclose or suggest the limitations of amended claim 1. Johnson discloses a system which includes a repository for storing documents from various medical service providers (Abstract). Upon receipt of a document for storage in the repository, the system of Johnson automatically extracts information (e.g., demographic information identifying a patient) from the document, and matches the extracted information to information contained in the repository (col. 2, lines 17-19). Because a pre-assigned identifier is not used to link the document information to other information stored for the patient, providers need not adopt a standard patient identifier or incur the cost of new hardware and software (col. 2, lines 29-30). The document is stored in the repository and linked with other information on the patient (col. 2, lines 22-23). As a result, various records relating to a common patient may be more easily shared by a variety of providers (col. 2, lines 16-29). Johnson makes absolutely no disclosure or suggestion of a context management server which is defined in accordance with a CCOW standard, or context management information which relates to a patient, a user and an encounter.

O'Toole fails to remedy the deficiencies of Johnson. O'Toole discloses a network appliance capable of remote booting and configuration, such that the appliance may be shipped to a remote location and set up by personnel who are unfamiliar with configuring a network appliance (Abstract). O'Toole discloses that the network appliance may acquire configuration instructions from an appliance registry via the Internet (col. 10, lines 27 et seq.). O'Toole makes no disclosure or suggestion related to context management, and certainly makes no disclosure or suggestion of a context management server defined in accordance with a CCOW standard or context management information relating to a patient, a user and an encounter.

In view of the foregoing, it is respectfully asserted that amended claim 1 patentably distinguishes over the prior art of record, such that the rejection of claim 1 under 35 U.S.C. §103(a) as being obvious over Johnson in view of O'Toole should be withdrawn.

Claims 2-7 depend from claim 1 and are allowable for at least the same reasons.

B. Claim 8

Amended claim 8 recites a context management system comprising a web server. The web server is accessible through a network via the HTTP protocol, and comprises at least one computer memory in which is stored a set of instructions defining a context manager accessible to manage applications through the network, and a set of instructions defining a context vault accessible to the context manager, wherein the context manager is defined in accordance with a Clinical Context Object Workgroup (CCOW) standard, and wherein the context manager provides information to the managed applications relating to a user, a patient and an encounter.

As discussed above with reference to claim 1, neither Johnson nor O'Toole disclose or suggest a context manager which is defined in accordance with a Clinical Context Object Workgroup (CCOW) standard, or a context manager which provides information to managed applications relating to one of a user, a patient and an encounter. As a result, it is respectfully asserted that claim 8 patentably distinguishes over the prior art of record, such that the rejection of claim 8 under 35 U.S.C. §103(a) as being obvious over Johnson in view of O'Toole should be withdrawn.

Claims 9-11 depend from claim 8 and are allowable for at least the same reasons.

C. Claim 12

Amended claim 12 recites a method for context management over a network. The method comprises receiving, on a server appliance, via the network, a first network message, in accordance with a network communication protocol, containing information pertaining to a context management action, wherein the server appliance comprises a context manager which is defined in accordance with a Clinical Context Objects Workgroup (CCOW) standard, and wherein the information relates to a patient, a user and an encounter; performing, on the server appliance, an act pertaining to the context management action; and sending, from the server appliance, via the network, a second network message, in accordance with the network communication protocol, containing information pertaining to the context management action.

As discussed above, neither Johnson nor O'Toole disclose or suggest a context manager which is defined in accordance with a Clinical Context Object Workgroup (CCOW) standard, or information pertaining to a context management action which relates to a user, a patient and an

encounter. As a result, it is respectfully asserted that claim 12 patentably distinguishes over the prior art of the record, such that the rejection of claim 12 under 35 U.S.C. §103(a) as being obvious over Johnson in view of O'Toole should be withdrawn.

Claims 13-29 depend from claim 12 and are allowable for a least the same reasons.

D. Claim 30

Amended claim 30 recites a context management system comprising a server appliance. The server appliance comprises a memory holding context management software, the context management software being defined in accordance with a Clinical Context Objects Workgroup (CCOW) standard; a network connection; and a processor executing instructions corresponding to said context management software; and a network, coupled to the server appliance via the network connection, said network carrying information pertaining to context management actions to and from the server appliance, the information relating to a patient, a user and an encounter.

As discussed above, neither Johnson nor O'Toole disclose or suggest a context manager which is defined in accordance with a Clinical Context Object Workgroup (CCOW) standard, or information pertaining to context management actions which relates to a user, a patient and an encounter. As a result, it is respectfully asserted that claim 30 patentably distinguishes over the prior art of the record, such that the rejection of claim 30 under 35 U.S.C. §103(a) as being obvious over Johnson in view of O'Toole should be withdrawn.

Claims 31-38 depend from claim 30 and are allowable for at least the same reasons.

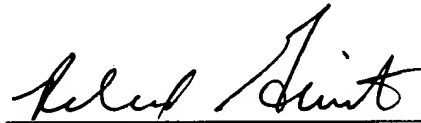
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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